

In addition within the above set forth groups a further restriction of the compounds wherein R₁ and R₂ form a second bond between the carbon atoms bearing R₁ and R₂ is required.

During the course of the aforementioned interview, as reflected by the interview summary record, the restriction requirement was discussed. Although an agreement to modify the restriction requirement was not reached the Examiner did agree to reconsider said requirement in view of the following.

Applicants take no issue with the restriction requirement insofar as Groups I to IV as set forth above are concerned. However, applicants do traverse the restriction requirement insofar as the compounds wherein R₁ and R₂ form a second bond are concerned. Applicants respectfully submit that in view of the art recognized equivalency of 4-(diphenylmethane)-, 4-(diphenylmethylene)- and 4-(diphenylmethanol)- substituted piperidine derivatives the requirement to divide the compounds of applicants' invention wherein R₁ and R₂ form a second bond from the compounds wherein R₁ is hydroxy and R₂ is hydrogen or wherein each of R₁ and R₂ is hydrogen is improper. Applicants have cited on page 1 of the specification the closest prior art known to them which consists of eight U.S. patents all of which involve piperidine derivatives substituted on the 4-position with diphenylmethane, -methylene, or -methanol groups all of said derivatives having essentially the same pharmacological utility. In view of the prior art recognized equivalency of the methane, methylene, methanol linking moieties applicants respectfully request that the requirement for restriction as to the intercyclic >CH= group is concerned be reconsidered and withdrawn.

Regarding the restriction requirement as between the above-described Groups I to IV applicants elect without traverse Group II without prejudice to applicants' right to file divisional applications on the remaining claimed subject matter. Applicants respectfully submit that in view of the foregoing remarks compounds wherein R₁ and R₂ form a second bond do not represent a patentably distinct invention and should be examined with Group II.

Respectfully submitted,

L. Ruth Hattan

L. Ruth Hattan
Attorney for Applicants

Cincinnati, Ohio 45215
Telephone: (513) 948-9111
Extension 7942